the law, "Your rule is an absurd, an obsolete one." On the contrary it says, "Yes, of course that is so, but it is not the whole truth," for, it goes on, it is true that your friend is the owner but he is bound by one of those obligations known as trusts (pp. 17, 19, 112, 130). The method of teaching the modern doctrines of equity is from a practical point of view. Many of the cases cited have arisen since 1900, and everywhere the student's attention is called to the bearing of the statutory changes.

"The forms of action we have buried, but they rule us from their graves." In the seven lectures at the end of the book the author shows how the classification of the forms of action have grown and died to make way for a rational classification of causes of action. His theme calls largely for historical consideration, which is delightfully executed. With the present tense he leads us back into the past. Brief treatment and a student audience make necessary wider and more dogmatic generalizations than we find in the History of English Law. Not many qualifications can find a place here; yet the reader is constantly warned by phrases such as "here we hear a hint of," or, "we seem to catch the thought," of the true weight of statements. The style is charming, and the points clearly made. A line or two at the end of a discussion summarizes it in a well-turned phrase. For instance, in his consideration of the distinction between the writ of right and the assize of novel disseisin he ends by saying of the successful plaintiff in the proprietary action, "the court will help him to his own though it has punished him for helping himself" (p. 322). Indeed an admirable method of approaching the greater work of the author and Sir Frederick Pollock is to read first these lectures.

In general the treatment of all the subjects is brief. Twenty-one lectures is a narrow space in which to deal even cursorily with trusts, specific performance, and injunctions. Many of the cases have complicated facts, difficult to explain to students who meet them for the first time in the class room. Yet we do not need the preface to assure us how Professor Maitland commended himself to his pupils. Of this the single-mindedness of the editors and their associates in their labor of love, carefully and judiciously performed, is sufficient proof. J. W.

A TREATISE ON THE RULES AGAINST PERPETUITIES, RESTRAINTS ON ALIENATION AND RESTRAINTS ON ENJOYMENT IN PENNSYLVANIA; with a particular discussion of Spendthrift Trusts, Married Women's Trusts, Accumulations, and Gifts to Charities. By Roland R. Foulke. Philadelphia: George T. Bisel Company. 1909. pp. xxxii, 548.

The decisions of a single state upon a particular topic, and more especially the Rule against Perpetuities, form but a fragmentary and imperfect body of law. Litigation tends to pursue the course marked out by previous decisions, exaggerating the importance of principles established and ignoring the bearing of principles which have not yet received the sanction of local precedent. To correct this tendency requires a return to first principles, an orientation from the vantage ground of the common law. In this work, the author, unlike most writers of text-books on local law, has not merely transcribed the decisions which he has found; he has tested them by the standards of the common law, and filled in the principles not yet ruled, so as to exhibit the decided cases in their true perspective. His criticisms are supported by elaborate and skilful arguments, without, however, leaving the reader in doubt as to what the law actually is. Altogether the book is a scholarly and accurate analysis of the decisions in a branch of the law in which more than ordinary confusion prevails. It presents a thorough contrast to the hastily prepared commercial products being daily marketed as law books.

The author has performed for the legal profession of Pennsylvania a service such as was rendered by Mr. Kales in his Conditional and Future Interests, and Illegal Conditions and Restraints in Illinois. Like Mr. Kales, he justly acknowl-

edges his "indebtedness to the masterly treatises of Mr. Gray." His discussion and criticism of the decisions follow Professor Gray in the main very closely, but are in much greater detail than is possible in a general work, in which the value of the individual case is less. The authorities have been re-examined on many points on which the law of Pennsylvania is frequently stated to be peculiar; and the author's conclusions do not always square with commonly accepted notions. He asserts that no authority exists for the statement that the Statute of Uses executes a use upon a use, and that it is doubtful whether it applies to personal property. He also considers an open question whether property appointed under a general power to a volunteer is assets for the payment of the appointor's debts. His comments on the terminology of the decisions, while in the interest of greater exactness in the law, are at times somewhat hypercritical. He condemns the application of the term "base fee" to the interest acquired by the exercise of the right of eminent domain. But this term was introduced as an analogy only. The interest, of course, is not an *estate* created by voluntary act of the owner, but is a special statutory interest created by a power of sovereignty paramount to rights of property. It is a group of rights not yet exhaustively enumerated, which does not exactly coincide with any of the estates or interests in the scheme of the common law.

The phrase "restraints on enjoyment," employed in the title has the appearance of novelty. The author divides restraints on alienation into three classes: restraints on voluntary alienation, prohibiting the beneficiary from aliening his interest; restraints on involuntary alienation, exempting it from liability for his debts; restraints on enjoyment, postponing his right to demand a conveyance of the principal beyond the period of his majority. And the author, in the arrangement of his book, enforces this distinction between restraints on alienation and restraints on enjoyment, by inserting between them his treatment of the Rule against Perpetuities. While this threefold distinction does furnish a convenient classification, it is believed that it does not justify substantial differences in the law. Each of these three restraints is necessary to accomplish the single purpose of the testator to prevent the beneficiary from squandering the principal of his bounty; and the validity of each is predicated upon the asserted right of an owner, to do as he will with his own, to give subject to such restrictions as he chooses. Unless a uniform rule be adopted, holding these restraints either all legal or all illegal, much confusion in the law would result. If the prohibition against voluntary alienation alone be void, the *cestui* can sell the property and waste the purchase money. The other two restraints might conceivably continue valid and follow the interest into the hands of his vendee, as the author suggests (§ 486); but such restraints are obviously intended to be personal, to guard against the improvidence of a particular beneficiary. If the prohibition against involuntary alienation be void, the *cestui* can incur debts in payment of which his interest can be sold on execution. If the restraint on enjoyment be void, he can compel a conveyance of the legal title from the trustee, and with this termination of the trust would probably fall the other two restraints, as even in Pennsylvania these restraints seem to be void when attached to *legal* estates.

The author's well directed attack upon the validity of these restraints is apparently intended to clear the way for "ridding the state of the doctrine of spendthrift trusts" (§ 289). But the judicial annulment which he advocates of this accepted doctrine, would surely work havoc among titles. His argument (§ 269, n. 8), that, as the restraint *prevents* alienation, its removal would not affect titles, overlooks the common case where the *cestui's* interest, in violation of the restraint, is sought to be transferred by deed or sale on execution. Here a transfer, which had been ignored as void under existing decisions, would be validated by overruling them, and sever a chain of title previously passed as perfect.

In the second edition of Gray's Restraints on Alienation, published in 1895, the author raised the question whether a restraint upon alienation imposed upon

the gift of an absolute equitable interest, as distinguished from a life interest, would be held valid in Pennsylvania. Since then in a series of decisions culminating in *Spring's Estate*, 216 Pa. 529, this very restraint has been held legal, and the prayer of an adult beneficiary for a conveyance of the fee from the trustee refused, as in the leading Massachusetts case of *Claflin* v. *Claflin*. H. F. S.

A TREATISE ON THE LAW OF INSOLVENT AND FAILING CORPORATIONS. By S. Walter Jones. Kansas City: Vernon Law Book Company. 1908. pp. xxv, 1011.

Mr. Jones has had the hardihood to venture into a field as yet untouched by the myriad of text-books. It is, however, a field that has been gradually expanding until its limits now are so extensive that a single text-book hardly suffices to cover the ground. Indeed, corporation law is fast becoming a vast system of intricate and complex rules, which threaten to form the major and the most important portion of our commercial law; and however much we may deplore this tendency and the evidence of it in the continual increase of the books devoted solely to matter of corporate law, we must face its development.

As is too often the case, the author has given too little space to a development of the history of the principles with which he deals and the philosophy behind them, and too much space to a mere narration of what various cases have decided. We cannot help regretting that there are so few who seem willing to follow in the footsteps of Professor Wigmore, or even to pattern their works after his admirable example. But the systematic and laborious compilation of authorities in itself makes this book a useful one to the profession. F. W. B.

THE POWER OF EMINENT DOMAIN. By Philip Nichols. Boston: Boston Book Company. 1909. pp. xxi, 560.

This text-book is limited to a treatment of the fundamental principles of constitutional law adopted and applied by the courts in defining the proper exercise of the power of eminent domain. The author was until recently an Assistant Corporation Counsel of the city of Boston, and compiled this book during eleven years' service in the Law Department of that city. He deserves credit for attempting this concise and intensive study of the borderland lying between constitutional law and the law of eminent domain. Throughout his work, the author's purpose is to condense and to save the reader's time by a systematic statement of principles, supported by numerous case citations in footnotes. But his book is more than a digest of cases. It shows independence of judgment; as, for example, in the definition of "public use" and in the criticism of the doctrine of certain courts which allow abutters' easements in highways when the fee is in the public.

E. D. B.

THE HAGUE PEACE CONFERENCES OF 1899 AND 1907. By James Brown Scott. In two volumes. Baltimore: The Johns Hopkins Press. 1909. pp. xiv, 887; vii, 548.

In the first volume we find the individual work of the author. Mr. Scott is especially prepared to write on this subject by his experience as Technical Delegate and Expert in International Law attached to the United States delegation at the Second Peace Conference, of 1907. The touch of personal familiarity with the matter in hand which is so evident in this volume could have no other source.

The second volume is a compilation of the various diplomatic papers which